
SENATE BILL 5413

State of Washington 60th Legislature 2007 Regular Session

By Senators Roach, Clements, Pflug, Stevens, Carrell, Hewitt,
Swecker, Schoesler, Morton and McCaslin

Read first time 01/18/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to auto theft; amending RCW 9.94A.505; reenacting
2 and amending RCW 9.94A.515 and 13.40.160; adding new sections to
3 chapter 36.28A RCW; prescribing penalties; providing an effective date;
4 and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.28A RCW
7 to read as follows:

8 (1) The Washington association of sheriffs and police chiefs shall
9 create and facilitate the Washington state auto theft task force
10 program.

11 (2) The Washington association of sheriffs and police chiefs shall
12 appoint an auto theft task force program steering committee.

13 (a) The steering committee shall include, but is not limited to:
14 A chief of police, a county sheriff, the Washington state patrol, a
15 representative of the Washington association of prosecuting attorneys,
16 a representative of the Washington council of police and sheriffs, a
17 representative of the auto insurance industry, a representative of the
18 auto sales industry, a representative of the auto repair industry, and
19 a representative of the auto auction industry.

1 (b) The steering committee shall have the following
2 responsibilities:

3 (i) For the purpose of establishing regional auto theft task
4 forces, award grants to units of local governments or to teams
5 consisting of multiple units of local governments;

6 (ii) Develop grant criteria;

7 (iii) Develop general operational guidelines for regional auto
8 theft task forces;

9 (iv) Review all regional auto theft task force operations on an
10 annual basis; and

11 (v) Produce an annual report to the legislature.

12 (3) Prior to awarding any grants to regional auto theft task
13 forces, the Washington association of sheriffs and police chiefs must
14 verify that sufficient grant funding exists to cover all proposed task
15 force activities, which include but are not limited to: Regional auto
16 task force administration costs, law enforcement costs, prosecutor
17 costs, court costs, and county offender confinement costs.

18 (4) The Washington association of sheriffs and police chiefs is not
19 required to implement this section if adequate funding is not provided.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.28A RCW
21 to read as follows:

22 A unit of local government or a team consisting of multiple units
23 of local governments may apply to the Washington association of
24 sheriffs and police chiefs for the regional auto theft task force
25 grants. All grant applications must contain the following minimum
26 requirements:

27 (1) Statistically demonstrate an auto theft problem in the county
28 or counties covered in the grant application;

29 (2) Have at least one prosecuting attorney dedicated to the
30 prosecution of auto theft cases;

31 (3) County and city law enforcement officers must be
32 proportionately represented on each regional auto theft task force;

33 (4) Demonstrate a proposal to reimburse all participating units of
34 local governments for their costs, which include but are not limited
35 to: Regional auto theft task force administration costs, law
36 enforcement costs, prosecutor costs, court costs, and county offender
37 confinement costs; and

1 (5) If a regional auto theft task force crosses jurisdictional
2 boundaries, demonstrate that any necessary interlocal agreements can be
3 executed so that law enforcement officers and prosecutors can fulfill
4 the duties of the regional auto theft task force across jurisdictional
5 boundaries.

6 **Sec. 3.** RCW 9.94A.505 and 2006 c 73 s 6 are each amended to read
7 as follows:

8 (1) When a person is convicted of a felony, the court shall impose
9 punishment as provided in this chapter.

10 (2)(a) The court shall impose a sentence as provided in the
11 following sections and as applicable in the case:

12 (i) Unless another term of confinement applies, the court shall
13 impose a sentence within the standard sentence range established in RCW
14 9.94A.510 or 9.94A.517;

15 (ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

16 (iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

17 (iv) RCW 9.94A.545, relating to community custody for offenders
18 whose term of confinement is one year or less;

19 (v) RCW 9.94A.570, relating to persistent offenders;

20 (vi) RCW 9.94A.540, relating to mandatory minimum terms;

21 (vii) RCW 9.94A.650, relating to the first-time offender waiver;

22 (viii) RCW 9.94A.660, relating to the drug offender sentencing
23 alternative;

24 (ix) RCW 9.94A.670, relating to the special sex offender sentencing
25 alternative;

26 (x) RCW 9.94A.712, relating to certain sex offenses;

27 (xi) RCW 9.94A.535, relating to exceptional sentences;

28 (xii) RCW 9.94A.589, relating to consecutive and concurrent
29 sentences;

30 (xiii) RCW 9.94A.603, relating to felony driving while under the
31 influence of intoxicating liquor or any drug and felony physical
32 control of a vehicle while under the influence of intoxicating liquor
33 or any drug.

34 (b) If a standard sentence range has not been established for the
35 offender's crime, the court shall impose a determinate sentence which
36 may include not more than one year of confinement; community
37 restitution work; until July 1, 2000, a term of community supervision

1 not to exceed one year and on and after July 1, 2000, a term of
2 community custody not to exceed one year, subject to conditions and
3 sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other
4 legal financial obligations. The court may impose a sentence which
5 provides more than one year of confinement if the court finds reasons
6 justifying an exceptional sentence as provided in RCW 9.94A.535.

7 (3) If the court imposes a sentence requiring confinement of thirty
8 days or less, the court may, in its discretion, specify that the
9 sentence be served on consecutive or intermittent days. A sentence
10 requiring more than thirty days of confinement shall be served on
11 consecutive days. Local jail administrators may schedule court-ordered
12 intermittent sentences as space permits.

13 (4) If a sentence imposed includes payment of a legal financial
14 obligation, it shall be imposed as provided in RCW 9.94A.750,
15 9.94A.753, 9.94A.760, and 43.43.7541.

16 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a
17 court may not impose a sentence providing for a term of confinement or
18 community supervision, community placement, or community custody which
19 exceeds the statutory maximum for the crime as provided in chapter
20 9A.20 RCW.

21 (6) The sentencing court shall give the offender credit for all
22 confinement time served before the sentencing if that confinement was
23 solely in regard to the offense for which the offender is being
24 sentenced.

25 (7) The court shall order restitution as provided in RCW 9.94A.750
26 and 9.94A.753.

27 (8) As a part of any sentence, the court may impose and enforce
28 crime-related prohibitions and affirmative conditions as provided in
29 this chapter.

30 (9) The court may order an offender whose sentence includes
31 community placement or community supervision to undergo a mental status
32 evaluation and to participate in available outpatient mental health
33 treatment, if the court finds that reasonable grounds exist to believe
34 that the offender is a mentally ill person as defined in RCW 71.24.025,
35 and that this condition is likely to have influenced the offense. An
36 order requiring mental status evaluation or treatment must be based on
37 a presentence report and, if applicable, mental status evaluations that

1 have been filed with the court to determine the offender's competency
2 or eligibility for a defense of insanity. The court may order
3 additional evaluations at a later date if deemed appropriate.

4 (10) In any sentence of partial confinement, the court may require
5 the offender to serve the partial confinement in work release, in a
6 program of home detention, on work crew, or in a combined program of
7 work crew and home detention.

8 (11) In sentencing an offender convicted of a crime of domestic
9 violence, as defined in RCW 10.99.020, if the offender has a minor
10 child, or if the victim of the offense for which the offender was
11 convicted has a minor child, the court may, as part of any term of
12 community supervision, community placement, or community custody, order
13 the offender to participate in a domestic violence perpetrator program
14 approved under RCW 26.50.150.

15 (12) For the first violation of RCW 9A.56.075, taking a motor
16 vehicle without permission in the second degree, the minimum sentence
17 that the court shall order is thirty days of home detention.

18 **Sec. 4.** RCW 9.94A.515 and 2006 c 277 s 6, 2006 c 228 s 9, 2006 c
19 191 s 2, 2006 c 139 s 2, 2006 c 128 s 3, and 2006 c 73 s 12 are each
20 reenacted and amended to read as follows:

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TABLE 2	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))

1 XII Assault 1 (RCW 9A.36.011)
2 Assault of a Child 1 (RCW 9A.36.120)
3 Malicious placement of an imitation
4 device 1 (RCW 70.74.272(1)(a))
5 Rape 1 (RCW 9A.44.040)
6 Rape of a Child 1 (RCW 9A.44.073)
7 Trafficking 2 (RCW 9A.40.100(2))
8 XI Manslaughter 1 (RCW 9A.32.060)
9 Rape 2 (RCW 9A.44.050)
10 Rape of a Child 2 (RCW 9A.44.076)
11 X Child Molestation 1 (RCW 9A.44.083)
12 Indecent Liberties (with forcible
13 compulsion) (RCW
14 9A.44.100(1)(a))
15 Kidnapping 1 (RCW 9A.40.020)
16 Leading Organized Crime (RCW
17 9A.82.060(1)(a))
18 Malicious explosion 3 (RCW
19 70.74.280(3))
20 Sexually Violent Predator Escape
21 (RCW 9A.76.115)
22 IX Abandonment of Dependent Person 1
23 (RCW 9A.42.060)
24 Assault of a Child 2 (RCW 9A.36.130)
25 Criminal Mistreatment 1 (RCW
26 9A.42.020)
27 Explosive devices prohibited (RCW
28 70.74.180)
29 Hit and Run--Death (RCW
30 46.52.020(4)(a))
31 Homicide by Watercraft, by being
32 under the influence of intoxicating
33 liquor or any drug (RCW
34 79A.60.050)
35 Inciting Criminal Profiteering (RCW
36 9A.82.060(1)(b))

1 Malicious placement of an explosive 2
2 (RCW 70.74.270(2))
3 Robbery 1 (RCW 9A.56.200)
4 Sexual Exploitation (RCW 9.68A.040)
5 Vehicular Homicide, by being under
6 the influence of intoxicating liquor
7 or any drug (RCW 46.61.520)
8 VIII Arson 1 (RCW 9A.48.020)
9 Homicide by Watercraft, by the
10 operation of any vessel in a
11 reckless manner (RCW
12 79A.60.050)
13 Manslaughter 2 (RCW 9A.32.070)
14 Promoting Prostitution 1 (RCW
15 9A.88.070)
16 Theft of Ammonia (RCW 69.55.010)
17 Vehicular Homicide, by the operation
18 of any vehicle in a reckless manner
19 (RCW 46.61.520)
20 VII Burglary 1 (RCW 9A.52.020)
21 Child Molestation 2 (RCW 9A.44.086)
22 Civil Disorder Training (RCW
23 9A.48.120)
24 Dealing in depictions of minor engaged
25 in sexually explicit conduct (RCW
26 9.68A.050)
27 Drive-by Shooting (RCW 9A.36.045)
28 Homicide by Watercraft, by disregard
29 for the safety of others (RCW
30 79A.60.050)
31 Indecent Liberties (without forcible
32 compulsion) (RCW 9A.44.100(1)
33 (b) and (c))
34 Introducing Contraband 1 (RCW
35 9A.76.140)
36 Malicious placement of an explosive 3
37 (RCW 70.74.270(3))

1 Negligently Causing Death By Use of a
2 Signal Preemption Device (RCW
3 46.37.675)
4 Sending, bringing into state depictions
5 of minor engaged in sexually
6 explicit conduct (RCW 9.68A.060)
7 Unlawful Possession of a Firearm in
8 the first degree (RCW 9.41.040(1))
9 Use of a Machine Gun in Commission
10 of a Felony (RCW 9.41.225)
11 Vehicular Homicide, by disregard for
12 the safety of others (RCW
13 46.61.520)
14 VI Bail Jumping with Murder 1 (RCW
15 9A.76.170(3)(a))
16 Bribery (RCW 9A.68.010)
17 Incest 1 (RCW 9A.64.020(1))
18 Intimidating a Judge (RCW 9A.72.160)
19 Intimidating a Juror/Witness (RCW
20 9A.72.110, 9A.72.130)
21 Malicious placement of an imitation
22 device 2 (RCW 70.74.272(1)(b))
23 Possession of Depictions of a Minor
24 Engaged in Sexually Explicit
25 Conduct (RCW 9.68A.070)
26 Rape of a Child 3 (RCW 9A.44.079)
27 Theft of a Firearm (RCW 9A.56.300)
28 Unlawful Storage of Ammonia (RCW
29 69.55.020)
30 V Abandonment of Dependent Person 2
31 (RCW 9A.42.070)
32 Advancing money or property for
33 extortionate extension of credit
34 (RCW 9A.82.030)
35 Bail Jumping with class A Felony
36 (RCW 9A.76.170(3)(b))
37 Child Molestation 3 (RCW 9A.44.089)

1 Criminal Mistreatment 2 (RCW
2 9A.42.030)
3 Custodial Sexual Misconduct 1 (RCW
4 9A.44.160)
5 Domestic Violence Court Order
6 Violation (RCW 10.99.040,
7 10.99.050, 26.09.300, 26.10.220,
8 26.26.138, 26.50.110, 26.52.070,
9 or 74.34.145)
10 Driving While Under the Influence
11 (RCW 46.61.502(6))
12 Extortion 1 (RCW 9A.56.120)
13 Extortionate Extension of Credit (RCW
14 9A.82.020)
15 Extortionate Means to Collect
16 Extensions of Credit (RCW
17 9A.82.040)
18 Incest 2 (RCW 9A.64.020(2))
19 Kidnapping 2 (RCW 9A.40.030)
20 Perjury 1 (RCW 9A.72.020)
21 Persistent prison misbehavior (RCW
22 9.94.070)
23 Physical Control of a Vehicle While
24 Under the Influence (RCW
25 46.61.504(6))
26 Possession of a Stolen Firearm (RCW
27 9A.56.310)
28 Rape 3 (RCW 9A.44.060)
29 Rendering Criminal Assistance 1
30 (RCW 9A.76.070)
31 Sexual Misconduct with a Minor 1
32 (RCW 9A.44.093)
33 Sexually Violating Human Remains
34 (RCW 9A.44.105)
35 Stalking (RCW 9A.46.110)
36 Taking Motor Vehicle Without
37 Permission 1 (RCW 9A.56.070)

1 IV Arson 2 (RCW 9A.48.030)
2 Assault 2 (RCW 9A.36.021)
3 Assault 3 (of a Peace Officer with a
4 Projectile Stun Gun) (RCW
5 9A.36.031(1)(h))
6 Assault by Watercraft (RCW
7 79A.60.060)
8 Bribing a Witness/Bribe Received by
9 Witness (RCW 9A.72.090,
10 9A.72.100)
11 Cheating 1 (RCW 9.46.1961)
12 Commercial Bribery (RCW 9A.68.060)
13 Counterfeiting (RCW 9.16.035(4))
14 Endangerment with a Controlled
15 Substance (RCW 9A.42.100)
16 Escape 1 (RCW 9A.76.110)
17 Hit and Run--Injury (RCW
18 46.52.020(4)(b))
19 Hit and Run with Vessel--Injury
20 Accident (RCW 79A.60.200(3))
21 Identity Theft 1 (RCW 9.35.020(2))
22 Indecent Exposure to Person Under
23 Age Fourteen (subsequent sex
24 offense) (RCW 9A.88.010)
25 Influencing Outcome of Sporting Event
26 (RCW 9A.82.070)
27 Malicious Harassment (RCW
28 9A.36.080)
29 Residential Burglary (RCW
30 9A.52.025)
31 Robbery 2 (RCW 9A.56.210)
32 Theft of Livestock 1 (RCW 9A.56.080)
33 Threats to Bomb (RCW 9.61.160)
34 Trafficking in Stolen Property 1 (RCW
35 9A.82.050)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(b))
4 Unlawful transaction of health
5 coverage as a health care service
6 contractor (RCW 48.44.016(3))
7 Unlawful transaction of health
8 coverage as a health maintenance
9 organization (RCW 48.46.033(3))
10 Unlawful transaction of insurance
11 business (RCW 48.15.023(3))
12 Unlicensed practice as an insurance
13 professional (RCW 48.17.063(3))
14 Use of Proceeds of Criminal
15 Profiteering (RCW 9A.82.080 (1)
16 and (2))
17 Vehicular Assault, by being under the
18 influence of intoxicating liquor or
19 any drug, or by the operation or
20 driving of a vehicle in a reckless
21 manner (RCW 46.61.522)
22 Willful Failure to Return from
23 Furlough (RCW 72.66.060)
24 III Animal Cruelty 1 (Sexual Conduct or
25 Contact) (RCW 16.52.205(3))
26 Assault 3 (Except Assault 3 of a Peace
27 Officer With a Projectile Stun
28 Gun) (RCW 9A.36.031 except
29 subsection (1)(h))
30 Assault of a Child 3 (RCW 9A.36.140)
31 Bail Jumping with class B or C Felony
32 (RCW 9A.76.170(3)(c))
33 Burglary 2 (RCW 9A.52.030)
34 Communication with a Minor for
35 Immoral Purposes (RCW
36 9.68A.090)

1 Criminal Gang Intimidation (RCW
2 9A.46.120)
3 Custodial Assault (RCW 9A.36.100)
4 Cyberstalking (subsequent conviction
5 or threat of death) (RCW
6 9.61.260(3))
7 Escape 2 (RCW 9A.76.120)
8 Extortion 2 (RCW 9A.56.130)
9 Harassment (RCW 9A.46.020)
10 Intimidating a Public Servant (RCW
11 9A.76.180)
12 Introducing Contraband 2 (RCW
13 9A.76.150)
14 Malicious Injury to Railroad Property
15 (RCW 81.60.070)
16 Negligently Causing Substantial Bodily
17 Harm By Use of a Signal
18 Preemption Device (RCW
19 46.37.674)
20 Organized Retail Theft 1 (RCW
21 9A.56.350(2))
22 Patronizing a Juvenile Prostitute (RCW
23 9.68A.100)
24 Perjury 2 (RCW 9A.72.030)
25 Possession of Incendiary Device (RCW
26 9.40.120)
27 Possession of Machine Gun or Short-
28 Barreled Shotgun or Rifle (RCW
29 9.41.190)
30 Promoting Prostitution 2 (RCW
31 9A.88.080)
32 (~~[[Retail]]~~) Retail Theft with
33 Extenuating Circumstances 1
34 (RCW 9A.56.360(2))
35 Securities Act violation (RCW
36 21.20.400)

1 Tampering with a Witness (RCW
2 9A.72.120)
3 Telephone Harassment (subsequent
4 conviction or threat of death)
5 (RCW 9.61.230(2))
6 Theft of Livestock 2 (RCW 9A.56.083)
7 Theft with the Intent to Resell 1 (RCW
8 9A.56.340(2))
9 Trafficking in Stolen Property 2 (RCW
10 9A.82.055)
11 Unlawful Imprisonment (RCW
12 9A.40.040)
13 Unlawful possession of firearm in the
14 second degree (RCW 9.41.040(2))
15 Vehicular Assault, by the operation or
16 driving of a vehicle with disregard
17 for the safety of others (RCW
18 46.61.522)
19 Willful Failure to Return from Work
20 Release (RCW 72.65.070)
21 II Computer Trespass 1 (RCW
22 9A.52.110)
23 Counterfeiting (RCW 9.16.035(3))
24 Escape from Community Custody
25 (RCW 72.09.310)
26 Failure to Register as a Sex Offender
27 (second or subsequent offense)
28 (RCW 9A.44.130(10)(a))
29 Health Care False Claims (RCW
30 48.80.030)
31 Identity Theft 2 (RCW 9.35.020(3))
32 Improperly Obtaining Financial
33 Information (RCW 9.35.010)
34 Malicious Mischief 1 (RCW
35 9A.48.070)
36 Organized Retail Theft 2 (RCW
37 9A.56.350(3))

1 Possession of Stolen Property 1 (RCW
2 9A.56.150)
3 (~~(Retail)~~) Retail Theft with
4 Extenuating Circumstances 2
5 (RCW 9A.56.360(3))
6 Taking Motor Vehicle Without
7 Permission 2 (RCW 9A.56.075)
8 Theft 1 (RCW 9A.56.030)
9 Theft of Rental, Leased, or Lease-
10 purchased Property (valued at one
11 thousand five hundred dollars or
12 more) (RCW 9A.56.096(5)(a))
13 Theft with the Intent to Resell 2 (RCW
14 9A.56.340(3))
15 Trafficking in Insurance Claims (RCW
16 48.30A.015)
17 Unlawful factoring of a credit card or
18 payment card transaction (RCW
19 9A.56.290(4)(a))
20 Unlawful Practice of Law (RCW
21 2.48.180)
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Voyeurism (RCW 9A.44.115)
25 I Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 False Verification for Welfare (RCW
28 74.08.055)
29 Forgery (RCW 9A.60.020)
30 Fraudulent Creation or Revocation of a
31 Mental Health Advance Directive
32 (RCW 9A.60.060)
33 Malicious Mischief 2 (RCW
34 9A.48.080)
35 Mineral Trespass (RCW 78.44.330)
36 Possession of Stolen Property 2 (RCW
37 9A.56.160)

1 Reckless Burning 1 (RCW 9A.48.040)
2 ((Taking Motor Vehicle Without
3 Permission 2 (RCW 9A.56.075)))
4 Theft 2 (RCW 9A.56.040)
5 Theft of Rental, Leased, or Lease-
6 purchased Property (valued at two
7 hundred fifty dollars or more but
8 less than one thousand five
9 hundred dollars) (RCW
10 9A.56.096(5)(b))
11 Transaction of insurance business
12 beyond the scope of licensure
13 (RCW 48.17.063(4))
14 Unlawful Issuance of Checks or Drafts
15 (RCW 9A.56.060)
16 Unlawful Possession of Fictitious
17 Identification (RCW 9A.56.320)
18 Unlawful Possession of Instruments of
19 Financial Fraud (RCW 9A.56.320)
20 Unlawful Possession of Payment
21 Instruments (RCW 9A.56.320)
22 Unlawful Possession of a Personal
23 Identification Device (RCW
24 9A.56.320)
25 Unlawful Production of Payment
26 Instruments (RCW 9A.56.320)
27 Unlawful Trafficking in Food Stamps
28 (RCW 9.91.142)
29 Unlawful Use of Food Stamps (RCW
30 9.91.144)
31 Vehicle Prowl 1 (RCW 9A.52.095)

32 **Sec. 5.** RCW 13.40.160 and 2004 c 120 s 4 and 2004 c 38 s 11 are
33 each reenacted and amended to read as follows:

34 (1) The standard range disposition for a juvenile adjudicated of an
35 offense is determined according to RCW 13.40.0357.

36 (a) When the court sentences an offender to a local sanction as
37 provided in RCW 13.40.0357 option A, the court shall impose a

1 determinate disposition within the standard ranges, except as provided
2 in subsection (2), (3), (4), (5), or (6) of this section. The
3 disposition may be comprised of one or more local sanctions.

4 (b) When the court sentences an offender to a standard range as
5 provided in RCW 13.40.0357 option A that includes a term of confinement
6 exceeding thirty days, commitment shall be to the department for the
7 standard range of confinement, except as provided in subsection (2),
8 (3), (4), (5), or (6) of this section.

9 (2) If the court concludes, and enters reasons for its conclusion,
10 that disposition within the standard range would effectuate a manifest
11 injustice the court shall impose a disposition outside the standard
12 range, as indicated in option D of RCW 13.40.0357. The court's finding
13 of manifest injustice shall be supported by clear and convincing
14 evidence.

15 A disposition outside the standard range shall be determinate and
16 shall be comprised of confinement or community supervision, or a
17 combination thereof. When a judge finds a manifest injustice and
18 imposes a sentence of confinement exceeding thirty days, the court
19 shall sentence the juvenile to a maximum term, and the provisions of
20 RCW 13.40.030(2) shall be used to determine the range. A disposition
21 outside the standard range is appealable under RCW 13.40.230 by the
22 state or the respondent. A disposition within the standard range is
23 not appealable under RCW 13.40.230.

24 (3) When a juvenile offender is found to have committed a sex
25 offense, other than a sex offense that is also a serious violent
26 offense as defined by RCW 9.94A.030, and has no history of a prior sex
27 offense, the court, on its own motion or the motion of the state or the
28 respondent, may order an examination to determine whether the
29 respondent is amenable to treatment.

30 The report of the examination shall include at a minimum the
31 following: The respondent's version of the facts and the official
32 version of the facts, the respondent's offense history, an assessment
33 of problems in addition to alleged deviant behaviors, the respondent's
34 social, educational, and employment situation, and other evaluation
35 measures used. The report shall set forth the sources of the
36 evaluator's information.

37 The examiner shall assess and report regarding the respondent's

1 amenability to treatment and relative risk to the community. A
2 proposed treatment plan shall be provided and shall include, at a
3 minimum:

4 (a)(i) Frequency and type of contact between the offender and
5 therapist;

6 (ii) Specific issues to be addressed in the treatment and
7 description of planned treatment modalities;

8 (iii) Monitoring plans, including any requirements regarding living
9 conditions, lifestyle requirements, and monitoring by family members,
10 legal guardians, or others;

11 (iv) Anticipated length of treatment; and

12 (v) Recommended crime-related prohibitions.

13 The court on its own motion may order, or on a motion by the state
14 shall order, a second examination regarding the offender's amenability
15 to treatment. The evaluator shall be selected by the party making the
16 motion. The defendant shall pay the cost of any second examination
17 ordered unless the court finds the defendant to be indigent in which
18 case the state shall pay the cost.

19 After receipt of reports of the examination, the court shall then
20 consider whether the offender and the community will benefit from use
21 of this special sex offender disposition alternative and consider the
22 victim's opinion whether the offender should receive a treatment
23 disposition under this section. If the court determines that this
24 special sex offender disposition alternative is appropriate, then the
25 court shall impose a determinate disposition within the standard range
26 for the offense, or if the court concludes, and enters reasons for its
27 conclusions, that such disposition would cause a manifest injustice,
28 the court shall impose a disposition under option D, and the court may
29 suspend the execution of the disposition and place the offender on
30 community supervision for at least two years. As a condition of the
31 suspended disposition, the court may impose the conditions of community
32 supervision and other conditions, including up to thirty days of
33 confinement and requirements that the offender do any one or more of
34 the following:

35 (b)(i) Devote time to a specific education, employment, or
36 occupation;

37 (ii) Undergo available outpatient sex offender treatment for up to
38 two years, or inpatient sex offender treatment not to exceed the

1 standard range of confinement for that offense. A community mental
2 health center may not be used for such treatment unless it has an
3 appropriate program designed for sex offender treatment. The
4 respondent shall not change sex offender treatment providers or
5 treatment conditions without first notifying the prosecutor, the
6 probation counselor, and the court, and shall not change providers
7 without court approval after a hearing if the prosecutor or probation
8 counselor object to the change;

9 (iii) Remain within prescribed geographical boundaries and notify
10 the court or the probation counselor prior to any change in the
11 offender's address, educational program, or employment;

12 (iv) Report to the prosecutor and the probation counselor prior to
13 any change in a sex offender treatment provider. This change shall
14 have prior approval by the court;

15 (v) Report as directed to the court and a probation counselor;

16 (vi) Pay all court-ordered legal financial obligations, perform
17 community restitution, or any combination thereof;

18 (vii) Make restitution to the victim for the cost of any counseling
19 reasonably related to the offense;

20 (viii) Comply with the conditions of any court-ordered probation
21 bond; or

22 (ix) The court shall order that the offender shall not attend the
23 public or approved private elementary, middle, or high school attended
24 by the victim or the victim's siblings. The parents or legal guardians
25 of the offender are responsible for transportation or other costs
26 associated with the offender's change of school that would otherwise be
27 paid by the school district. The court shall send notice of the
28 disposition and restriction on attending the same school as the victim
29 or victim's siblings to the public or approved private school the
30 juvenile will attend, if known, or if unknown, to the approved private
31 schools and the public school district board of directors of the
32 district in which the juvenile resides or intends to reside. This
33 notice must be sent at the earliest possible date but not later than
34 ten calendar days after entry of the disposition.

35 The sex offender treatment provider shall submit quarterly reports
36 on the respondent's progress in treatment to the court and the parties.
37 The reports shall reference the treatment plan and include at a minimum
38 the following: Dates of attendance, respondent's compliance with

1 requirements, treatment activities, the respondent's relative progress
2 in treatment, and any other material specified by the court at the time
3 of the disposition.

4 At the time of the disposition, the court may set treatment review
5 hearings as the court considers appropriate.

6 Except as provided in this subsection (3), after July 1, 1991,
7 examinations and treatment ordered pursuant to this subsection shall
8 only be conducted by certified sex offender treatment providers or
9 certified affiliate sex offender treatment providers under chapter
10 18.155 RCW. A sex offender therapist who examines or treats a juvenile
11 sex offender pursuant to this subsection does not have to be certified
12 by the department of health pursuant to chapter 18.155 RCW if the court
13 finds that: (A) The offender has already moved to another state or
14 plans to move to another state for reasons other than circumventing the
15 certification requirements; (B) no certified sex offender treatment
16 providers or certified affiliate sex offender treatment providers are
17 available for treatment within a reasonable geographical distance of
18 the offender's home; and (C) the evaluation and treatment plan comply
19 with this subsection (3) and the rules adopted by the department of
20 health.

21 If the offender violates any condition of the disposition or the
22 court finds that the respondent is failing to make satisfactory
23 progress in treatment, the court may revoke the suspension and order
24 execution of the disposition or the court may impose a penalty of up to
25 thirty days' confinement for violating conditions of the disposition.
26 The court may order both execution of the disposition and up to thirty
27 days' confinement for the violation of the conditions of the
28 disposition. The court shall give credit for any confinement time
29 previously served if that confinement was for the offense for which the
30 suspension is being revoked.

31 For purposes of this section, "victim" means any person who has
32 sustained emotional, psychological, physical, or financial injury to
33 person or property as a direct result of the crime charged. "Victim"
34 may also include a known parent or guardian of a victim who is a minor
35 child unless the parent or guardian is the perpetrator of the offense.

36 A disposition entered under this subsection (3) is not appealable
37 under RCW 13.40.230.

1 (4) If the juvenile offender is subject to a standard range
2 disposition of local sanctions or 15 to 36 weeks of confinement and has
3 not committed an A- or B+ offense, the court may impose the disposition
4 alternative under RCW 13.40.165.

5 (5) If a juvenile is subject to a commitment of 15 to 65 weeks of
6 confinement, the court may impose the disposition alternative under RCW
7 13.40.167.

8 (6) When the offender is subject to a standard range commitment of
9 15 to 36 weeks and is ineligible for a suspended disposition
10 alternative, a manifest injustice disposition below the standard range,
11 special sex offender disposition alternative, chemical dependency
12 disposition alternative, or mental health disposition alternative, the
13 court in a county with a pilot program under RCW 13.40.169 may impose
14 the disposition alternative under RCW 13.40.169.

15 (7) RCW 13.40.193 shall govern the disposition of any juvenile
16 adjudicated of possessing a firearm in violation of RCW
17 9.41.040(2)(a)(iii) or any crime in which a special finding is entered
18 that the juvenile was armed with a firearm.

19 (8) For the first three violations of RCW 9A.56.075, taking a motor
20 vehicle in the second degree, the minimum sentence that the court shall
21 order is thirty days of home detention.

22 (9) Whenever a juvenile offender is entitled to credit for time
23 spent in detention prior to a dispositional order, the dispositional
24 order shall specifically state the number of days of credit for time
25 served.

26 ((+9)) (10) Except as provided under subsection (3), (4), (5), or
27 (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127,
28 the court shall not suspend or defer the imposition or the execution of
29 the disposition.

30 ((+10)) (11) In no case shall the term of confinement imposed by
31 the court at disposition exceed that to which an adult could be
32 subjected for the same offense.

33 NEW SECTION. **Sec. 6.** Sections 3 and 4 of this act are necessary
34 for the immediate preservation of the public peace, health, or safety,
35 or support of the state government and its existing public

1 institutions, and take effect July 1, 2007.

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